

AMENDED IN ASSEMBLY JUNE 14, 2005

AMENDED IN SENATE APRIL 19, 2005

SENATE BILL

No. 389

Introduced by Senator Morrow

February 17, 2005

An act to add Section 13083 to the Financial Code, relating to automated teller machines.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as amended, Morrow. Automated teller machine fees.

Existing law prohibits an operator of an automated teller machine from imposing a surcharge upon a customer unless the surcharge is disclosed to the customer.

This bill would provide that ~~an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator of the automated teller machine to charge a customer conducting a transaction using an account from a financial institution that is located outside the United States an access fee or surcharge~~ *owner or operator of an automated teller machine may charge and collect a surcharge to a customer conducting a transaction using an account from a financial institution that is located out of the United States.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13083 is added to the Financial Code,
2 to read:

1 13083. (a) ~~Subject to the requirements of Section 13080, an~~
2 ~~agreement to operate or share an automated teller machine may~~
3 ~~not prohibit, limit, or restrict the right of the operator of the~~
4 ~~automated teller machine to charge a customer conducting a~~
5 ~~transaction using an account from a financial institution that is~~
6 ~~located outside the United States an access fee or surcharge not~~
7 ~~otherwise prohibited under state or federal law. The owner or~~
8 ~~operator of an automated teller machine may charge and collect~~
9 ~~a surcharge from a customer conducting a transaction using an~~
10 ~~account from a financial institution that is located out of the~~
11 ~~United States.~~

12 (b) For purpose of this section, the terms “operator” and
13 “automated teller machine” have the meanings set forth in
14 Section 13020.